

Message Text

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PAGE 01 IAEA V 05537 01 OF 02 211652Z

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ACTION ACDA-19

INFO OCT-01 EUR-25 IO-14 ISO-00 SCI-06 FEAE-00 H-03 L-03

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R 211439Z JUN 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4600

INFO AEC GERMANTOWN

AMEMBASSY ATHENS

UNCLAS SECTION 1 OF 2 IAEA VIENNA 5537

E.O. 11652: N/A

TAGS: IAEA, TECH, GR, US

SUBJECT: GREECE/IAEA NPT SAFEGUARDS AGREEMENT (PROTOCOL)

REF: A) IAEA VIENNA 5388 (NOTAL); B) IAEA VIENNA 4940;

C) STATE A-4377

AS NOTED SEPTEL, AGENCY'S PROPOSED REVISED TEXT OF PROTOCOL
FOLLOWS:

PROTOCOL TERMINATING THE AGREEMENT BETWEEN THE INTERNATIONAL
ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF
GREECE AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA
FOR THE APPLICATION OF SAFEGUARDS AND TERMINATING THE
PROTOCOL SUSPENDING THAT AGREEMENT AND PROVIDING FOR THE
APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION
TREATY.

THE INTERNATIONAL ATOMIC ENERGY AGENCY (HEREINAFTER
REFERRED TO AS THE "AGENCY"), THE GOVERNMENT OF THE
HELLENIC REPUBLIC AND THE GOVERNMENT OF THE UNITED
STATES OF AMERICA:

UNCLASSIFIED

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PAGE 02 IAEA V 05537 01 OF 02 211652Z

RECOGNIZING THAT THE KINGDOM OF GREECE, AS A NON-NUCLEAR-WEAPON STATE PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (HEREINAFTER REFERRED TO AS THE "TREATY"), HAS ON 1 MARCH 1972 CONCLUDED WITH THE AGENCY AN AGREEMENT FOR THE APPLICATION OF SAFEGUARDS (HEREINAFTER REFERRED TO AS THE "TREATY SAFEGUARDS AGREEMENT") PURSUANT TO PARAGRAPH 1 OF ARTICLE III OF THE TREATY; AND

RECOGNIZING THAT THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF GREECE AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAVE CONCLUDED ON 1 MARCH 1972 A PROTOCOL (HEREINAFTER REFERRED TO AS THE "SUPERSEDED PROTOCOL") PROVIDING FOR THE APPLICATION OF SAFEGUARDS BY THE AGENCY PURSUANT TO THE TREATY SAFEGUARDS AGREEMENT AND SUSPENDING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE KINGDOM OF GREECE AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS SIGNED ON 15 JUNE 1964 (HEREINAFTER REFERRED TO AS THE "SAFEGUARDS TRANSFER AGREEMENT") DURING THE TIME AND TO THE EXTENT THAT THE TREATY SAFEGUARDS AGREEMENT IS IN FORCE AND SAFEGUARDS SPECIFIED IN THE TREATY SAFEGUARDS AGREEMENT ARE BEING APPLIED BY THE AGENCY; AND

RECOGNIZING THAT THE SUSPENDED SAFEGUARDS TRANSFER AGREEMENT PROVIDES FOR THE APPLICATION OF SAFEGUARDS BY THE AGENCY TO MATERIALS, EQUIPMENT AND FACILITIES REQUIRED TO BE SAFEGUARDED UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF GREECE CONCERNING CIVIL USES OF ATOMIC ENERGY SIGNED ON 4 AUGUST 1955, AS AMENDED ON 11 JUNE 1960, 3 APRIL 1962, 22 JUNE 1962, 8 JUNE 1964 AND ON 27 SEPTEMBER 1968 (HEREINAFTER REFERRED TO AS THE "SUPERSEDED AGREEMENT"), TO ENSURE SO FAR AS IT IS ABLE THAT THEY WILL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE; AND

RECOGNIZING THAT THE GOVERNMENT OF THE UNITED STATES
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 IAEA V 05537 01 OF 02 211652Z

OF AMERICA AND THE GOVERNMENT OF THE HELLENIC REPUBLIC HAVE CONCLUDED A SUPERSEDING AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY WHICH WAS SIGNED ON (BLANK) (HEREINAFTER REFERRED TO AS THE "SUPERSEDING AGREEMENT"); AND

RECOGNIZING THAT UNDER ARTICLE X OF THE SUPERSEDING AGREEMENT THE GOVERNMENT OF THE HELLENIC REPUBLIC HAS

GUARANTEED THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED TO THE GOVERNMENT OF THE HELLENIC REPUBLIC OR AUTHORIZED PERSONS UNDER ITS JURISDICTION FROM THE UNITED STATES OF AMERICA PURSUANT TO THE SUPERSEDED AGREEMENT OR THE SUPERSEDING AGREEMENT AND NO SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIAL, EQUIPMENT OR DEVICES WILL BE USED FOR ANY MILITARY PURPOSE; AND

RECOGNIZING THAT ARTICLE XII OF THE SUPERSEDING AGREEMENT PROVIDES FOR THE SUSPENSION OF THE SAFEGUARDS RIGHTS ACCORDED TO THE GOVERNMENT OF THE UNITED STATES BY ARTICLE XI OF THAT AGREEMENT DURING THE TIME AND TO THE EXTENT THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA AGREES THAT THE NEED TO EXERCISE SUCH RIGHTS IS SATISFIED BY, INTER ALIA, AN AGREEMENT ENTERED INTO BETWEEN THE AGENCY AND THE GOVERNMENT OF THE HELLENIC REPUBLIC PURSUANT TO ARTICLE III OF THE TREATY; AND

RECOGNIZING THAT THE AGENCY, THE GOVERNMENT OF THE HELLENIC REPUBLIC AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA DESIRE TO TERMINATE THE SAFEGUARDS TRANSFER AGREEMENT, AND THAT SECTION 27 OF THAT AGREEMENT PROVIDES THAT IT SHALL REMAIN IN FORCE UNTIL 27 JULY 1974 UNLESS SOONER TERMINATED BY ANY PARTY ON SIX MONTHS' NOTICE TO TH OTHER PARTIES OR AS MAY OTHERWISE BE AGREED;

HAVE AGREED:

1. THE SAFEGUARDS TRANSFER AGREEMENT IS HEREBY TERMINATED.
2. THE SUPERSEDED PROTOCOL IS HEREBY TERMINATED.

UNCLASSIFIED

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PAGE 04 IAEA V 05537 01 OF 02 211652Z

3. THE GOVERNMENT OF THE HELLENIC REPUBLIC AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AGREE THAT

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PAGE 01 IAEA V 05537 02 OF 02 211700Z

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ACTION ACDA-19

INFO OCT-01 EUR-25 IO-14 ISO-00 SCI-06 FEAE-00 H-03 L-03

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INFO AEC GERMANTOWN

AMEMBASSY ATHENS

UNCLAS SECTION 2 OF 2 IAEA VIENNA 5537

THE TREATY SAFEGUARDS AGREEMENT CONSTITUTES AN AGREEMENT OF THE KIND REFERRED TO IN ARTICLE XII OF THE SUPERSEDING AGREEMENT, AND THAT THE SAFEGUARDS RIGHTS ACCORDED TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA BY ARTICLE XI OF THE SUPERSEDING AGREEMENT ARE DEEMED TO BE SUSPENDED DURING THE TIME AND TO THE EXTENT THAT THE TREATY SAFEGUARDS AGREEMENT IS IN FORCE AND THE SAFEGUARDS SPECIFIED THEREIN ARE BEING APPLIED BY THE AGENCY.

4. THE TREATY SAFEGUARDS AGREEMENT SHALL BE APPLIED AS THEREIN PROVIDED TO NUCLEAR MATERIALS SUBJECT TO THE SUPERSEDING AGREEMENT.

5. IN THE EVENT THAT THE GOVERNMENT OF THE HELLENIC REPUBLIC INTENDS TO EXERCISE ITS DISCRETION IN ACCORDANCE WITH ARTICLE 14 OF THE TREATY SAFEGUARDS AGREEMENT TO USE ANY NUCLEAR MATERIAL REQUIRED TO BE SAFEGUARDED UNDER THAT AGREEMENT IN A MILITARY ACTIVITY NOT PROHIBITED BY THE TREATY, THE GOVERNMENT OF THE HELLENIC REPUBLIC WILL SATISFY THE AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT SUCH MATERIAL IS NOT SUBJECT TO THE GUARANTEES MADE TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA BY THE GOVERNMENT OF THE HELLENIC REPUBLIC IN ARTICLE X OF THE SUPERSEDING AGREEMENT, AND THAT NO MATERIALS, EQUIPMENT OR FACILITIES TRANSFERRED FROM THE UNITED STATES

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 IAEA V 05537 02 OF 02 211700Z

OF

AMERICA TO THE HELLENIC REPUBLIC SUBJECT TO THE SUPERSEDING AGREEMENT ARE INVOLVED IN SUCH USE.

6. THIS PROTOCOL SHALL BE SIGNED BY OR FOR THE DIRECTOR GENERAL OF THE AGENCY AND BY THE AUTHORIZED REPRESENTATIVES

OF THE GOVERNMENT OF THE HELLENIC REPUBLIC AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA AND SHALL ENTER INTO FORCE ON
THE DATE UPON WHICH THE SUPERSEDING AGREEMENT ENTERS INTO
FORCE. THE TWO GOVERNMENTS SHALL NOTIFY THE AGENCY OF THE DATE
OF THE ENTRY INTO FORCE OF THE SUPERSEDING AGREEMENT WITHIN
ONE WEEK AFTER THAT DATE.

DONE IN VIENNA, THIS IN TRIPLICATE IN THE ENGLISH
LANGUAGE. (SIGNATURES) PORTER

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